

CHAPTER 10-13-04

EXCHANGING CRIMINAL HISTORY RECORD INFORMATION

Section

10-13-04-01	Limitation on Use of Exchanged Information
10-13-04-02	Exchange Log
10-13-04-03	Disclosure Under the Security Clearance Information Act of 1985 - Public Law No. 99-169, 99 Stat. 1009, Codified in Part at 5 U.S.C. Section 801

10-13-04-01. Limitation on use of exchanged information. Criminal history record information exchanged between criminal justice agencies for criminal justice purposes may not be used or disseminated for purposes other than those for which it was originally obtained.

History: Effective November 1, 1987.

General Authority: NDCC 12-60-16.3

Law Implemented: NDCC 12-60-16.3

10-13-04-02. Exchange log. Criminal justice agencies shall maintain a transaction log of requests received for criminal history record information and their response to those requests. Such log must include:

1. Name of record subject.
2. Requesting agency.
3. Officer name or unit number.
4. Date of request.
5. Type of response (indicating record exchange or no record).

Exchange logs must be retained for a minimum of three years.

History: Effective November 1, 1987.

General Authority: NDCC 12-60-16.3

Law Implemented: NDCC 12-60-16.3

10-13-04-03. Disclosure under the Security Clearance Information Act of 1985 - Public Law No. 99-169, 99 Stat. 1009, codified in part at 5 U.S.C. Section 801. Criminal justice agencies shall release criminal history record information to the department of defense (DOD), central intelligence agency (CIA), and the office of personnel management (OPM) as required by the Security Clearance Information Act of 1985 (SCIA) if the following requirements are met:

1. The subagency within the three authorized agencies is in fact authorized to make requests for criminal history records (local agencies or the

bureau may ask the requesting agency for its authorization under the Security Clearance Information Act of 1985).

2. The request relates to an individual under investigation by the department of defense, central intelligence agency, or the office of personnel management for the purpose of determining eligibility for (a) access to classified information (a security clearance); or (b) assignment to or retention in sensitive national security duties.
3. The requesting agency has received a written consent from the individual under investigation authorizing release of criminal history record information for the purposes specified above.
4. The request for record check is written and contains:
 - a. The name of the record subject.
 - b. At least two items of information used to retrieve criminal history records, including:
 - (1) The fingerprints of the record subject.
 - (2) The state identification number assigned to the record subject by the bureau.
 - (3) The social security number of the record subject.
 - (4) The date of birth of the record subject.
 - (5) A specific reportable event identified by date and either agency or court.
5. The information has not been purged or sealed.
6. The identifying information supporting a request for a criminal history record does not match the record of more than one individual.
7. The information to be disclosed is information relative to a reportable event initiated within that agency, in accordance with section 10-13-04-01.

History: Effective November 1, 1987.

General Authority: NDCC 12-60-16.3

Law Implemented: NDCC 12-60-16.3